

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DOMINIQUE HOUSTON,

Plaintiff,

v.

AT&T, *et al.*,

Defendants.

Case No. 3:19-cv-00758-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
WILLIAM G. COBB

Plaintiff Dominique Houston brings this civil rights case pursuant to 42 U.S.C. § 1983. Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (“R&R”) concerning Plaintiff’s civil rights complaint (ECF No. 1-1) and application to proceed *in forma pauperis* (ECF No. 1). (ECF No. 3.) In the R&R, Judge Cobb recommends dismissal of all claims but permitting Plaintiff leave to amend his Fourth Amendment claim against Officer Roberts and to properly allege a claim against Reno Police Department. (*Id.* at 7–8.)

Plaintiff initially had until April 3, 2020, to object to the R&R. (*Id.*) However, the R&R could not be forwarded to Plaintiff because his address was not updated with the Court. (See, e.g., ECF No. 8.) The Court directed Plaintiff to update his address and gave him until July 6, 2020, to file an objection to the R&R. (*E.g.*, ECF Nos. 9, 13.) Plaintiff appears to have updated his address (ECF No. 15) and the time to object to the R&R has now passed. Instead of filing an objection, Plaintiff has chosen to file an amended complaint (ECF No. 18).¹ The Court will accept and adopt the R&R in full. Plaintiff’s amended complaint will be screened in due course.

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¹The amended complaint appears to allege only the claims for which amendment was recommended in the R&R.

1 This Court “may accept, reject, or modify, in whole or in part, the findings or
2 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party
3 fails to object the Court is not required to conduct “any review at all . . . of any issue that
4 is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also*
5 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the
6 magistrate judges’ findings and recommendations is required if, but *only* if, one or both
7 parties file objections to the findings and recommendations.”) (emphasis in original); Fed.
8 R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the court “need only satisfy
9 itself that there is no clear error on the face of the record in order to accept the
10 recommendation”).

11 Because there is no objection, the Court need not conduct de novo review. Further,
12 having reviewed the original complaint and other materials, the Court is satisfied that there
13 is no clear error.

14 It is therefore ordered, adjudged, and decreed that the Report and
15 Recommendation of Magistrate Judge William G. Cobb (ECF No. 3) is accepted and
16 adopted in its entirety.

17 It is further order that the application to proceed *in forma pauperis* (ECF No. 1) is
18 granted.

19 It is further ordered that the Clerk of the Court file the original complaint (ECF No.
20 1-1).

21 It is further ordered that AT&T and Randall Stephenson are dismissed from this
22 action with prejudice.

23 It is further ordered that Plaintiff's Fourth Amendment claim against Officer Roberts
24 is dismissed with leave to amend.

25 It is further ordered that the Reno Police Department is dismissed with prejudice,
26 but Plaintiff is permitted leave to amend to allege a claim against the department as
27 outlined in the R&R.

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1 As Plaintiff has already filed an amended complaint (ECF No. 18), it will be
2 screened in due course.

3 DATED THIS 15th day of July 2020.

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6 MIRANDA M. DU
7 CHIEF UNITED STATES DISTRICT JUDGE
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